

September 21, 1999

Thomas E. Kelly (MC-2131)
Small Business Advocacy Chair
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Subject: Concentrated Animal Feeding Operation Regulations--National Pollutant Discharge Elimination System and Effluent Limitation Guidelines Regulations; SBREFA Small Business Advocacy Panel

Dear Mr. Kelly:

I have received your letter dated September 2, 1999 regarding Concentrated Animal Feeding Operation (CAFO) Regulations, notifying us of the possibility of convening one or more Small Business Advocacy Review Panels under §609(b) of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.

Having examined the list of suggested small business representatives, SBA suggests the following changes (see attachment). Thank you for the extension of the deadline from Friday September 19 until today for submitting our formal response to EPA's proposed SER list.

Next Steps

We understand that the agency plans to re-evaluate whether the proposals would have a significant impact on a substantial number of small entities. If the agency finds no such impact, a Panel would not be required under SBREFA. If a Panel were convened, a final Panel report would be prepared.

If a panel is warranted, we ask that EPA provide, in advance of the convening of the Panel, supporting materials and possibly a draft regulatory analysis and/or draft rule (see RFA §609(b)(4)), in order to allow sufficient review time by Panel members. We also strongly recommend that the agency hold several prepanel meetings in accordance with the most current EPA SBREFA guidance to assure that adequate and timely information and data is provided to the small entity representatives and the panel representatives.

Sincerely,

Jere W. Glover
Chief Counsel for Advocacy

cc: Art Fraas, OMB

ADDITIONS:

SER	Region	Contact Information	Recommended by:	Notes
BEEF: SIC Code 0211				
John Pemberton	National	National Cattlemen's Beef Association 1301 Pennsylvania Avenue NW Suite 300 Washington, DC 20004 202-347-0228 202-638-0607 (F) jpemberton@beef.org		Mr. Pemberton would like to serve as an association representative to represent the concerns of small Beef operations.
Galen Frenzen	Midwest (Nebraska)	308-536-2069 Route 2, Box 14 Fullerton, NE 68638	Troy Bredenkamp Nebraska Cattlemen's Association 1335 H Street Lincoln, NE 68508 402-475-2333 TBredenkamp@NECattlemen.org	Mr. Frenzen has approximately 300 cattle on his feedlot.
Steve Pilcher	Central (Montana)	406-442-3420 (W) 406-443-2642 (H) steve@mtbeef.com 241 Franklin Mine Road Helena, MT 59602	Jim Peterson, Executive Director Montana Stock Growers Association 420 North California Helena, MT 59601 406-442-3420	Mr. Pilcher assists in running a 175 head operation on his family's feedlot in Montana. He is the expert on CAFO regulations and related small-business issues at the MT Stock Growers Association and brings years of experience working on these issues in Nebraska and Montana. He could represent small beef operations in MT well.
John Schweizer Jr.	Central (Colorado)	719-254-3218 14357 Road GG Rocky Ford, CO 81067	Bob Frankmar Colorado Farm Bureau 9177 East Mineral Circle Inglewood, Co 80112 303-455-4553	Mr. Schweizer has 600-head capacity but an actual operation of approximately 450 head.
DAIRY SIC Code 0241				
Carissa Itle	National	National Milk Producers Federation 2101 Wilson Blvd Arlington, VA 22201 703-243-6111 703-841-9328 (F) citle@nmpf.org		Ms. Itle would like to serve as an association representative to represent the concerns of small dairy producers.

SER	Region	Contact Information	Recommended by:	Notes
Ed Niernan	Central (Missouri)	660-463-7739 (H) 30230 Old Highway 40 Concordia, MO 74020	Bob Hitzhusen, Executive Director Missouri Farm Bureau 701 Country Club Drive Jefferson City, MO 65109 573-893-1408	Mr. Niernan has approximately 60 cows.
SWINE: SIC Code 0213				
Deb Atwood	National	National Pork Producers Council 122 C Street NW Suite 875 Washington, DC 20001 202-347-3600 202-347-5265 (F) atwoodd@nppc.org		Ms. Atwood would like to serve as an association representative to represent the concerns of small pork operations.
Glenn Keppy	Midwest (Iowa)	319-391-2075 319-391-5926 (F) 21316 155 th Avenue Davenport, IA 52804	Deb Atwood National Pork Producers Council 122 C Street NW Suite 875 Washington, DC 20001 202-347-3600 202-347-5265 (F) atwoodd@nppc.org	Mr. Keppy has approximately 1,200 pigs (averaging 100 pounds each) on his feedlot.

Poultry				
Don Parish	National	American Farm Bureau Federation 225 Touhy Avenue Park Ridge, IL 60068 847-685-8742		Mr. Parish would like to serve as a trade association representative of small poultry operations. 95 percent of his organization's members have annual incomes of \$500,000 or less.
Broilers: SIC Code 0251				
James Anderson	South (Arkansas)	501-789-2443 23388 Fate Anderson Road Hindsville, AK 72738	Bruce Tencleze Arkansas Farm Bureau 10720 Kanis Road Little Rock AK 722111 501-224-4400	Mr. Anderson is an independent contract grower and has approximately 90,000 Broilers/Flock and 6 Flocks/year. 75 to 80 percent of his annual earnings is derived from Broilers while the rest comes from in Beef Cattle.
Layers: SIC Code 0252				

George Ulmer	South (South Carolina)	803-534-9595 3251 Baumberg Road Orangeburg, South Carolina 29115	Bernie Wright State Director USDA Rural Development 803-253-3725	Mr. Ulmer grows approximately 60,000 hens/Flock (2 Flocks/year) to be layers and also raises 8,000 males. 70 percent of his income comes from chickens and it's a dry litter operation. He also adds diversity to the process (Black).
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